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May 19, 2017

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

**Re: Accelerating Wireless Broadband Deployment by Removing
Barriers to Infrastructure Investment, WT Docket No. 17-79**

Dear Ms. Dortch:

On May 16, 2017, the undersigned, along with Vice Mayor David Luna of the City of Mesa, Arizona; Becky Taylor, Manager of Research and Federal Advocacy for the Georgia Municipal Association; Councilmember Lisa Clark Hill of the City of Moultrie, Georgia; Kathleen Bowen, Legislative Associate for ACCG; Suzanne Tetreault, Garnet Hanly, Jeffrey Steinberg, Aaron Goldschmidt, Paul D'Ari, Erica Rosenberg, David Sieradzki, and Angela Demahy of the Wireless Telecommunications Bureau, and Richard Lerner of the Office of Consumer and Intergovernmental Affairs.

During the meeting, we strongly opposed the proposed "deemed granted" remedy to missing shot clock deadlines, or any further shortening of shot clock deadlines. We discussed the circumstances that could lead to a shot clock deadline being missed, such as missing or incomplete information providers are asked to give local governments to finish processing a siting application. We raised concerns that while the public notice requests feedback on state or local regulations that may prohibit service, it does not inquire about industry practices that may do the same. If the Commission wishes to eliminate barriers to broadband, it must include barriers to local governments' efforts to expand broadband.

We also discussed the work that local governments are doing to collaborate with wireless infrastructure providers to ensure that wireless networks are deployed in a

timely and reasonable fashion. In Georgia, infrastructure providers are conducting ride-alongs with municipal staff and engineers to examine requested sites and tackle potential issues such as collocation or interference with existing infrastructure.

We opposed any further guidance restricting local aesthetic requirements. These visual characteristics, which can vary greatly even within a single jurisdiction that contains historic neighborhoods or multiple ecosystems, are extremely important for retaining local character and property value. For example, the City of Mesa has both lush tree groves and desert neighborhoods, and the appropriate aesthetic requirements for wireless infrastructure in these neighborhoods differ greatly. Each community has its own unique concerns that may not be adequately addressed by federal guidance.

We opposed further restriction of fees for locating on public land or structures. Local governments, like private landlords, are entitled to collect rent for the use of their property and have a duty to their residents to assess appropriate compensation. In the case of Georgia, local governments are required by the state to collect this compensation – the federal government should also recognize this obligation. We discussed recent Arizona legislation that limits local authority in this area, and urged the Commission not to compound the challenges faced by these communities with additional limitations.

Lastly, we encouraged the Commission not to enact further regulations until the Broadband Deployment Advisory Committee has had an opportunity to discuss and make recommendations on these issues. We also shared a letter from Mayor David Baker of the City of Kenmore, Washington, which is attached to this document.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's Rules. Please contact the undersigned if you have any questions.

Sincerely,

/s/Angelina Panettieri

Principal Associate, Technology and Communications
National League of Cities



City Of Kenmore, Washington

April 17, 2017

Commission's Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: Notice of Proposed Rulemaking and Notice of Inquiry – WT Docket Nos. 17-79 and 15-180: Wireless Infrastructure NPRM

Dear Sir/Madam:

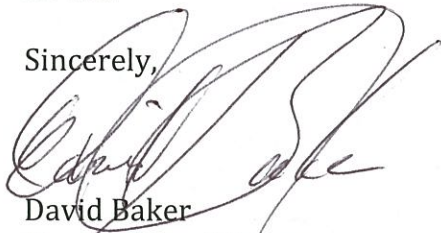
The City of Kenmore is concerned about three issues raised in the above notice:

- 1) Increased role of FCC in establishing “legitimate aesthetic denials.” The City of Kenmore is certain that an understanding of local conditions is necessary before determining “legitimate” aesthetic concerns. The FCC does not and cannot have this understanding. For example, in Kenmore our community is very focused on preservation of views to Lake Washington. These views are important both to residents and as an economic development tool. In other communities, themed downtown districts or historic neighborhoods would have their own aesthetic and design concerns. It’s hard to see how the FCC could possibly write appropriate federal standards outlining which aesthetic elements are “legitimate” for all local jurisdictions.
- 2) Access to municipally owned buildings. Property rights demand that the use of municipal facilities should be reserved to the property-owner--the citizens of the community as represented by their government. There is no supportable reason for giving these rights to the for-profit wireless carriers without the municipality’s consent.
- 3) Undergrounding. Our community has made a concerted effort to underground utilities in our downtown and in transportation corridors along Lake Washington. Now allowing those efforts to be undermined without local control of wireless facility locations defeats years of local planning and expenditure.

Letter to Commission's Secretary
Federal Communications Commission
April 17, 2017

On these three issues, particularly, we view the FCC's efforts to preempt local jurisdictions' control over-reaching and inappropriate. Just within the past year, we negotiated with the four major wireless carriers to put in place regulations that the community supports and that will allow wireless deployment while still protecting community values. Local governments are the appropriate decision makers on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "David Baker", written over a horizontal line.

David Baker
Mayor, City of Kenmore
Vice-Chair, National League of Cities Information
Technology and Communications Committee

HOUSE BILL 2365 IMPACTS

WIRELESS – SMALL CELLS

House Bill 2365

HB Constraints:

- ❖ City must now allow small cell facilities on City-owned vertical elements in the ROW;
- ❖ City may not regulate these facilities through the zoning process;
- ❖ ROW fee may not exceed \$50 per pole;
- ❖ Term of agreements is 10 years with near-mandatory renewal;
- ❖ Application is subject to a “shot clock” for completeness and approval;
- ❖ No monopole bans
- ❖ 6 month to draft terms, conditions, and standards

HB Power Retained:

- ❖ City may adopt standards for these facilities related to public safety, objective design standards, and reasonable stealth;
- ❖ City standards may prohibit placement on specialty poles or in areas with streetscapes approved by development agreements;
- ❖ The changes apply only in the ROW—other City property is not subject to these mandates;
- ❖ Utilities such as Mesa Electric are specifically excluded

To Do List:

- ❖ City has six months to establish terms, conditions, standards, and rates
- ❖ Work with other cities for uniformity:
 - ❖ Terms and conditions
 - ❖ RF safety program
 - ❖ Permitting & fees
 - ❖ Engineering standards & aesthetics, including monopole standards
 - ❖ Anticipated November 2017 Council review

Small cell appearance (sample sites)

Verizon Wireless	Cox Commutations	Mobilitie	ATT
